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2D SESSION

S. 1172

IN THE HOUSE OF REPRESENTATIVES

JANUARY 20, 2004

Referred to the Committee on Energy and Commerce

AN ACT

To establish grants to provide health services for improved nutrition, increased physical activity, obesity prevention, and for other purposes.

1 *Be it enacted by the Senate and House of Representa-*
2 *tives of the United States of America in Congress assembled,*

3 **SECTION 1. SHORT TITLE.**

4 This Act may be cited as the “Improved Nutrition
5 and Physical Activity Act” or the “IMPACT Act”.

1 **SEC. 2. FINDINGS.**

2 Congress makes the following findings:

3 (1) An estimated 61 percent of adults and 13
4 percent of children and adolescents in the Nation
5 are overweight or obese.

6 (2) The prevalence of obesity and being over-
7 weight is increasing among all age groups. There are
8 twice the number of overweight children and 3 times
9 the number of overweight adolescents as there were
10 29 years ago.

11 (3) An estimated 300,000 deaths a year are as-
12 sociated with being overweight or obese.

13 (4) Obesity and being overweight are associated
14 with an increased risk for heart disease (the leading
15 cause of death), cancer (the second leading cause of
16 death), diabetes (the 6th leading cause of death),
17 and musculoskeletal disorders.

18 (5) Individuals who are obese have a 50 to 100
19 percent increased risk of premature death.

20 (6) The Healthy People 2010 goals identify
21 obesity and being overweight as one of the Nation's
22 leading health problems and include objectives of in-
23 creasing the proportion of adults who are at a
24 healthy weight, reducing the proportion of adults
25 who are obese, and reducing the proportion of chil-
26 dren and adolescents who are overweight or obese.

1 (7) Another goal of Healthy People 2010 is to
2 eliminate health disparities among different seg-
3 ments of the population. Obesity is a health problem
4 that disproportionally impacts medically underserved
5 populations.

6 (8) The United States Surgeon General’s report
7 “A Call To Action” lists the treatment and preven-
8 tion of obesity as a top national priority.

9 (9) The estimated direct and indirect annual
10 cost of obesity in the United States is
11 \$117,000,000,000 (exceeding the cost of tobacco-re-
12 lated illnesses) and appears to be rising dramati-
13 cally. This cost can potentially escalate markedly as
14 obesity rates continue to rise and the medical com-
15 plications of obesity are emerging at even younger
16 ages. Therefore, the total disease burden will most
17 likely increase, as well as the attendant health-re-
18 lated costs.

19 (10) Weight control programs should promote a
20 healthy lifestyle including regular physical activity
21 and healthy eating, as consistently discussed and
22 identified in a variety of public and private con-
23 sensus documents, including “A Call To Action” and
24 other documents prepared by the Department of
25 Health and Human Services and other agencies.

1 (11) Eating preferences and habits are estab-
2 lished in childhood.

3 (12) Poor eating habits are a risk factor for the
4 development of eating disorders and obesity.

5 (13) Simply urging overweight individuals to be
6 thin has not reduced the prevalence of obesity and
7 may result in other problems including body dis-
8 satisfaction, low self-esteem, and eating disorders.

9 (14) Effective interventions for promoting
10 healthy eating behaviors should promote healthy life-
11 style and not inadvertently promote unhealthy
12 weight management techniques.

13 (15) Binge Eating is associated with obesity,
14 heart disease, gall bladder disease, and diabetes.

15 (16) Anorexia Nervosa, an eating disorder from
16 which 0.5 to 3.7 percent of American women will
17 suffer in their lifetime, is associated with serious
18 health consequences including heart failure, kidney
19 failure, osteoporosis, and death. In fact, Anorexia
20 Nervosa has the highest mortality rate of all psy-
21 chiatric disorders, placing a young woman with Ano-
22 rexia Nervosa at 18 times the risk of death of other
23 women her age.

24 (17) Anorexia Nervosa and Bulimia Nervosa
25 usually appears in adolescence.

1 (18) Bulimia Nervosa, an eating disorder from
 2 which an estimated 1.1 to 4.2 percent of American
 3 women will suffer in their lifetime, is associated with
 4 cardiac, gastrointestinal, and dental problems, in-
 5 cluding irregular heartbeats, gastric ruptures, peptic
 6 ulcers, and tooth decay.

7 (19) On the 1999 Youth Risk Behavior Survey,
 8 7.5 percent of high school girls reported recent use
 9 of laxatives or vomiting to control their weight.

10 (20) Binge Eating Disorder is characterized by
 11 frequent episodes of uncontrolled overeating, with an
 12 estimated 2 to 5 percent of Americans experiencing
 13 this disorder in a 6-month period.

14 (21) Eating disorders are commonly associated
 15 with substantial psychological problems, including
 16 depression, substance abuse, and suicide.

17 (22) Eating disorders of all types are more
 18 common in women than men.

19 **TITLE I—TRAINING GRANTS**

20 **SEC. 101. GRANTS TO PROVIDE TRAINING FOR HEALTH** 21 **PROFESSION STUDENTS.**

22 Section 747(c)(3) of title VII of the Public Health
 23 Service Act (42 U.S.C. 293k(c)(3)) is amended by striking
 24 “and victims of domestic violence” and inserting “victims
 25 of domestic violence, individuals (including children) who

1 are overweight or obese (as such terms are defined in sec-
 2 tion 399W(j)) and at risk for related serious and chronic
 3 medical conditions, and individuals who suffer from eating
 4 disorders”.

5 **SEC. 102. GRANTS TO PROVIDE TRAINING FOR HEALTH**
 6 **PROFESSIONALS.**

7 Section 399Z of the Public Health Service Act (42
 8 U.S.C. 280h-3) is amended—

9 (1) in subsection (b), by striking “2005” and
 10 inserting “2007”;

11 (2) by redesignating subsection (b) as sub-
 12 section (c); and

13 (3) by inserting after subsection (a) the fol-
 14 lowing:

15 “(b) GRANTS.—

16 “(1) IN GENERAL.—The Secretary may award
 17 grants to eligible entities to train primary care phy-
 18 sicians and other licensed or certified health profes-
 19 sionals on how to identify, treat, and prevent obesity
 20 or eating disorders and aid individuals who are over-
 21 weight, obese, or who suffer from eating disorders.

22 “(2) APPLICATION.—An entity that desires a
 23 grant under this subsection shall submit an applica-
 24 tion at such time, in such manner, and containing
 25 such information as the Secretary may require, in-

cluding a plan for the use of funds that may be awarded and an evaluation of the training that will be provided.

“(3) USE OF FUNDS.—An entity that receives a grant under this subsection shall use the funds made available through such grant to—

“(A) use evidence-based findings or recommendations that pertain to the prevention and treatment of obesity, being overweight, and eating disorders to conduct educational conferences, including Internet-based courses and teleconferences, on—

“(i) how to treat or prevent obesity, being overweight, and eating disorders;

“(ii) the link between obesity and being overweight and related serious and chronic medical conditions;

“(iii) how to discuss varied strategies with patients from at-risk and diverse populations to promote positive behavior change and healthy lifestyles to avoid obesity, being overweight, and eating disorders;

“(iv) how to identify overweight and obese patients and those who are at risk

for obesity and being overweight or suffer
from eating disorders and, therefore, at
risk for related serious and chronic medical
conditions;

“(v) how to conduct a comprehensive
assessment of individual and familial
health risk factors; and

“(B) evaluate the effectiveness of the
training provided by such entity in increasing
knowledge and changing attitudes and behav-
iors of trainees.”.

TITLE II—COMMUNITY-BASED SOLUTIONS TO INCREASE PHYSICAL ACTIVITY AND IM- PROVE NUTRITION

SEC. 201. GRANTS TO INCREASE PHYSICAL ACTIVITY AND IMPROVE NUTRITION.

Part Q of title III of the Public Health Service Act
(42 U.S.C. 280h et seq.) is amended by striking section
399W and inserting the following:

“SEC. 399W. GRANTS TO INCREASE PHYSICAL ACTIVITY AND IMPROVE NUTRITION.

“(a) ESTABLISHMENT.—

“(1) IN GENERAL.—The Secretary, acting
through the Director of the Centers for Disease

1 Control and Prevention and in coordination with the
2 Administrator of the Health Resources and Services
3 Administration, the Director of the Indian Health
4 Service, the Secretary of Education, the Secretary of
5 Agriculture, the Secretary of the Interior, the Direc-
6 tor of the National Institutes of Health, the Director
7 of the Office of Women’s Health, and the heads of
8 other appropriate agencies, shall award competitive
9 grants to eligible entities to plan and implement pro-
10 grams that promote healthy eating behaviors and
11 physical activity to prevent eating disorders, obesity,
12 being overweight, and related serious and chronic
13 medical conditions. Such grants may be awarded to
14 target at-risk populations including youth, adoles-
15 cent girls, health disparity populations (as defined in
16 section 485E(d)), and the underserved.

17 “(2) TERM.—The Secretary shall award grants
18 under this subsection for a period not to exceed 4
19 years.

20 “(b) AWARD OF GRANTS.—An eligible entity desiring
21 a grant under this section shall submit an application to
22 the Secretary at such time, in such manner, and con-
23 taining such information as the Secretary may require, in-
24 cluding—

1 “(1) a plan describing a comprehensive pro-
2 gram of approaches to encourage healthy eating be-
3 haviors and healthy levels of physical activity;

4 “(2) the manner in which the eligible entity will
5 coordinate with appropriate State and local authori-
6 ties, including—

7 “(A) State and local educational agencies;

8 “(B) departments of health;

9 “(C) chronic disease directors;

10 “(D) State directors of programs under
11 section 17 of the Child Nutrition Act of 1966
12 (42 U.S.C. 1786);

13 “(E) 5-a-day coordinators;

14 “(F) Governors’ councils for physical activ-
15 ity and good nutrition;

16 “(G) State and local parks and recreation
17 departments; and

18 “(H) State and local departments of trans-
19 portation and city planning; and

20 “(3) the manner in which the applicant will
21 evaluate the effectiveness of the program carried out
22 under this section.

23 “(c) COORDINATION.—In awarding grants under this
24 section, the Secretary shall ensure that the proposed pro-
25 grams are coordinated in substance and format with pro-

1 grams currently funded through other Federal agencies
2 and operating within the community including the Phys-
3 ical Education Program (PEP) of the Department of Edu-
4 cation.

5 “(d) ELIGIBLE ENTITY.—In this section, the term
6 ‘eligible entity’ means—

7 “(1) a city, county, tribe, territory, or State;

8 “(2) a State educational agency;

9 “(3) a tribal educational agency;

10 “(4) a local educational agency;

11 “(5) a federally qualified health center (as de-
12 fined in section 1861(aa)(4) of the Social Security
13 Act (42 U.S.C. 1395x(aa)(4));

14 “(6) a rural health clinic;

15 “(7) a health department;

16 “(8) an Indian Health Service hospital or clinic;

17 “(9) an Indian tribal health facility;

18 “(10) an urban Indian facility;

19 “(11) any health provider;

20 “(12) an accredited university or college;

21 “(13) a community-based organization;

22 “(14) a local city planning agency; or

23 “(15) any other entity determined appropriate
24 by the Secretary.

1 “(e) USE OF FUNDS.—An eligible entity that receives
2 a grant under this section shall use the funds made avail-
3 able through the grant to—

4 “(1) carry out community-based activities in-
5 cluding—

6 “(A) city planning, transportation initia-
7 tives, and environmental changes that help pro-
8 mote physical activity, such as increasing the
9 use of walking or bicycling as a mode of trans-
10 portation;

11 “(B) forming partnerships and activities
12 with businesses and other entities to increase
13 physical activity levels and promote healthy eat-
14 ing behaviors at the workplace and while trav-
15 eling to and from the workplace;

16 “(C) forming partnerships with entities, in-
17 cluding schools, faith-based entities, and other
18 facilities providing recreational services, to es-
19 tablish programs that use their facilities for
20 after school and weekend community activities;

21 “(D) establishing incentives for retail food
22 stores, farmer’s markets, food co-ops, grocery
23 stores, and other retail food outlets that offer
24 nutritious foods to encourage such stores and

1 outlets to locate in economically depressed
2 areas;

3 “(E) forming partnerships with senior cen-
4 ters and nursing homes to establish programs
5 for older people to foster physical activity and
6 healthy eating behaviors;

7 “(F) forming partnerships with daycare fa-
8 cilities to establish programs that promote
9 healthy eating behaviors and physical activity;
10 and

11 “(G) providing community educational ac-
12 tivities targeting good nutrition;

13 “(2) carry out age-appropriate school-based ac-
14 tivities including—

15 “(A) developing and testing educational
16 curricula and intervention programs designed to
17 promote healthy eating behaviors and habits in
18 youth, which may include—

19 “(i) after hours physical activity pro-
20 grams;

21 “(ii) increasing opportunities for stu-
22 dents to make informed choices regarding
23 healthy eating behaviors; and

24 “(iii) science-based interventions with
25 multiple components to prevent eating dis-

1 orders including nutritional content, under-
2 standing and responding to hunger and sa-
3 tiety, positive body image development,
4 positive self-esteem development, and
5 learning life skills (such as stress manage-
6 ment, communication skills, problem-solv-
7 ing and decisionmaking skills), as well as
8 consideration of cultural and develop-
9 mental issues, and the role of family,
10 school, and community;

11 “(B) providing education and training to
12 educational professionals regarding a healthy
13 lifestyle and a healthy school environment;

14 “(C) planning and implementing a healthy
15 lifestyle curriculum or program with an empha-
16 sis on healthy eating behaviors and physical ac-
17 tivity; and

18 “(D) planning and implementing healthy
19 lifestyle classes or programs for parents or
20 guardians, with an emphasis on healthy eating
21 behaviors and physical activity;

22 “(3) carry out activities through the local
23 health care delivery systems including—

1 “(A) promoting healthy eating behaviors
2 and physical activity services to treat or prevent
3 eating disorders, being overweight, and obesity;

4 “(B) providing patient education and coun-
5 seling to increase physical activity and promote
6 healthy eating behaviors; and

7 “(C) providing community education on
8 good nutrition and physical activity to develop
9 a better understanding of the relationship be-
10 tween diet, physical activity, and eating dis-
11 orders, obesity, or being overweight; or

12 “(4) other activities determined appropriate by
13 the Secretary.

14 “(f) MATCHING FUNDS.—In awarding grants under
15 subsection (a), the Secretary may give priority to eligible
16 entities who provide matching contributions. Such non-
17 Federal contributions may be cash or in kind, fairly evalu-
18 ated, including plant, equipment, or services.

19 “(g) TECHNICAL ASSISTANCE.—The Secretary may
20 set aside an amount not to exceed 10 percent of the total
21 amount appropriated for a fiscal year under subsection (k)
22 to permit the Director of the Centers for Disease Control
23 and Prevention to provide grantees with technical support
24 in the development, implementation, and evaluation of
25 programs under this section and to disseminate informa-

1 tion about effective strategies and interventions in pre-
 2 venting and treating obesity and eating disorders through
 3 the promotion of healthy eating behaviors and physical ac-
 4 tivity.

5 “(h) LIMITATION ON ADMINISTRATIVE COSTS.—An
 6 eligible entity awarded a grant under this section may not
 7 use more than 10 percent of funds awarded under such
 8 grant for administrative expenses.

9 “(i) REPORT.—Not later than 6 years after the date
 10 of enactment of the Improved Nutrition and Physical Ac-
 11 tivity Act, the Director of the Centers for Disease Control
 12 and Prevention shall review the results of the grants
 13 awarded under this section and other related research and
 14 identify programs that have demonstrated effectiveness in
 15 healthy eating behaviors and physical activity in youth.

16 “(j) DEFINITIONS.—In this section:

17 “(1) ANOREXIA NERVOSA.—The term ‘Anorexia
 18 Nervosa’ means an eating disorder characterized by
 19 self-starvation and excessive weight loss.

20 “(2) BINGE EATING DISORDER.—The term
 21 ‘binge eating disorder’ means a disorder character-
 22 ized by frequent episodes of uncontrolled eating.

23 “(3) BULIMIA NERVOSA.—The term ‘Bulimia
 24 Nervosa’ means an eating disorder characterized by
 25 excessive food consumption, followed by inappro-

1 puate compensatory behaviors, such as self-induced
 2 vomiting, misuse of laxatives, fasting, or excessive
 3 exercise.

4 “(4) EATING DISORDERS.—The term ‘eating
 5 disorders’ means disorders of eating, including Ano-
 6 rexia Nervosa, Bulimia Nervosa, and binge eating
 7 disorder.

8 “(5) HEALTHY EATING BEHAVIORS.—The term
 9 ‘healthy eating behaviors’ means—

10 “(A) eating in quantities adequate to meet,
 11 but not in excess of, daily energy needs;

12 “(B) choosing foods to promote health and
 13 prevent disease;

14 “(C) eating comfortably in social environ-
 15 ments that promote healthy relationships with
 16 family, peers, and community; and

17 “(D) eating in a manner to acknowledge
 18 internal signals of hunger and satiety.

19 “(6) OBESE.—The term ‘obese’ means an adult
 20 with a Body Mass Index (BMI) of 30 kg/m² or
 21 greater.

22 “(7) OVERWEIGHT.—The term ‘overweight’
 23 means an adult with a Body Mass Index (BMI) of
 24 25 to 29.9 kg/m² and a child or adolescent with a
 25 BMI at or above the 95th percentile on the revised

1 Centers for Disease Control and Prevention growth
 2 charts or another appropriate childhood definition,
 3 as defined by the Secretary.

4 “(8) YOUTH.—The term ‘youth’ means individ-
 5 uals not more than 18 years old.

6 “(k) AUTHORIZATION OF APPROPRIATIONS.—There
 7 are authorized to be appropriated to carry out this section,
 8 \$60,000,000 for fiscal year 2004 and such sums as may
 9 be necessary for each of fiscal years 2005 through 2008.
 10 Of the funds appropriated pursuant to this subsection, the
 11 following amounts shall be set aside for activities related
 12 to eating disorders:

13 “(1) \$5,000,000 for fiscal year 2004.

14 “(2) \$5,500,000 for fiscal year 2005.

15 “(3) \$6,000,000 for fiscal year 2006.

16 “(4) \$6,500,000 for fiscal year 2007.

17 “(5) \$1,000,000 for fiscal year 2008.”.

18 **SEC. 202. NATIONAL CENTER FOR HEALTH STATISTICS.**

19 Section 306 of the Public Health Service Act (42
 20 U.S.C. 242k) is amended—

21 (1) in subsection (m)(4)(B), by striking “sub-
 22 section (n)” each place it appears and inserting
 23 “subsection (o)”;

24 (2) by redesignating subsection (n) as sub-
 25 section (o); and

1 (3) by inserting after subsection (m) the fol-
2 lowing:

3 “(n)(1) The Secretary, acting through the Center,
4 may provide for the—

5 “(A) collection of data for determining the fit-
6 ness levels and energy expenditure of children and
7 youth; and

8 “(B) analysis of data collected as part of the
9 National Health and Nutrition Examination Survey
10 and other data sources.

11 “(2) In carrying out paragraph (1), the Secretary,
12 acting through the Center, may make grants to States,
13 public entities, and nonprofit entities.

14 “(3) The Secretary, acting through the Center, may
15 provide technical assistance, standards, and methodologies
16 to grantees supported by this subsection in order to maxi-
17 mize the data quality and comparability with other stud-
18 ies.”.

19 **SEC. 203. HEALTH DISPARITIES REPORT.**

20 Not later than 18 months after the date of enactment
21 of this Act, and annually thereafter, the Director of the
22 Agency for Healthcare Research and Quality shall review
23 all research that results from the activities outlined in this
24 Act and determine if particular information may be impor-
25 tant to the report on health disparities required by section

1 903(c)(3) of the Public Health Service Act (42 U.S.C.
2 299a-1(c)(3)).

3 **SEC. 204. PREVENTIVE HEALTH SERVICES BLOCK GRANT.**

4 Section 1904(a)(1) of the Public Health Service Act
5 (42 U.S.C. 300w-3(a)(1)) is amended by adding at the
6 end the following:

7 “(H) Activities and community education pro-
8 grams designed to address and prevent overweight,
9 obesity, and eating disorders through effective pro-
10 grams to promote healthy eating, and exercise habits
11 and behaviors.”.

12 **SEC. 205. REPORT ON OBESITY RESEARCH.**

13 (a) IN GENERAL.—Not later than 1 year after the
14 date of enactment of this Act, the Secretary of Health and
15 Human Services shall submit to the Committee on Health,
16 Education, Labor, and Pensions of the Senate and the
17 Committee on Energy and Commerce of the House of
18 Representatives a report on research conducted on causes
19 and health implications of obesity and being overweight.

20 (b) CONTENT.—The report described in subsection
21 (a) shall contain—

22 (1) descriptions on the status of relevant, cur-
23 rent, ongoing research being conducted in the De-
24 partment of Health and Human Services including
25 research at the National Institutes of Health, the

1 Centers for Disease Control and Prevention, the
 2 Agency for Healthcare Research and Quality, the
 3 Health Resources and Services Administration, and
 4 other offices and agencies;

5 (2) information about what these studies have
 6 shown regarding the causes of, prevention of, and
 7 treatment of, overweight and obesity; and

8 (3) recommendations on further research that
 9 is needed, including research among diverse popu-
 10 lations, the department’s plan for conducting such
 11 research, and how current knowledge can be dissemi-
 12 nated.

13 **SEC. 206. REPORT ON A NATIONAL CAMPAIGN TO CHANGE**
 14 **CHILDREN’S HEALTH BEHAVIORS AND RE-**
 15 **DUCE OBESITY.**

16 Section 399Y of the Public Health Service Act (42
 17 U.S.C. 280h–2) is amended—

18 (1) by redesignating subsection (b) as sub-
 19 section (c); and

20 (2) by inserting after subsection (a) the fol-
 21 lowing:

22 “(b) REPORT.—The Secretary shall evaluate the ef-
 23 fectiveness of the campaign described in subsection (a) in
 24 changing children’s behaviors and reducing obesity and
 25 shall report such results to the Committee on Health,

- 1 Education, Labor, and Pensions of the Senate and the
- 2 Committee on Energy and Commerce of the House of
- 3 Representatives.”.

Passed the Senate December 9, 2003.

Attest:

EMILY J. REYNOLDS,

Secretary.